

**UNITED STATES OF AMERICA,**

**- v -**

**PHILLIP D. MURPHY,**

**Defendant.**

42. If you are selected as a juror, I will instruct you and the rest of the jury that the defendant is presumed innocent. Under the law, a defendant is presumed to be innocent and cannot be found guilty of the crime charged in the Indictment unless a jury, after having heard all the evidence in the case, unanimously decides that the evidence proves the defendant's guilt beyond a reasonable doubt. When you think about the defendant, can you honestly say that you assume that he is innocent?

(a) Is there anyone who feels that the defendant is probably guilty or may even be guilty?

43. Is there anyone who feels that it is not likely that the Government would charge an innocent person, or that anyone the Government indicts is likely to be guilty?

44. The burden of proving a defendant guilty beyond a reasonable doubt rests entirely on the prosecution as I will instruct you. A defendant has absolutely no burden of coming forward with any evidence in order to establish his innocence. Do any of you, because of personal feelings or otherwise, disagree with those principles? Would any of you be unable to follow my instructions on that issue or any other issue?

45. I will also instruct the jury that no defendant ever has to prove that he is innocent. Is there anyone who feels that a defendant should present evidence of his innocence at this trial?

(a) Is there anyone who would expect or prefer that a defendant present evidence of his innocence at trial?

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the **DEFENDANT'S SUPPLEMENTAL PROPOSED EXAMINATION OF PROSPECTIVE JURORS** has this date been electronically filed with the Clerk of Court using the CM/ECF system, which will transmit notification of such filing, constituting service thereof, to the following:

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Respectfully submitted,

This sixteenth day of January, 2014.

/s/ Donald Conklin  
Donald Conklin